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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BECKER et al.

Serial No.: 10/806,877

Filed: March 22, 2004

Atty. File No.: 4888-6

For: LASER AND LIGHT EMITTING  
DIODE BODY IRRADIATOR  
METHOD AND APPARATUS

) Group Art Unit:

)

) Examiner:

)

) SUPPLEMENTAL INFORMATION

) DISCLOSURE STATEMENT

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>February 20 2006</u></p> <p style="text-align: center;">SHERIDAN ROSS P.C.</p> <p>BY: <u>Lori E Brown</u></p>
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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-SB08 are being called to the attention of the Examiner.

- ☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.
- ☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- ☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with 37 C.F.R. § 1.98(a).

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. § 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

☐ Other: \_\_\_\_\_

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

#### FEES

<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li><li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li><li><input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li><li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li></ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"><li>(1) a final action under 37 C.F.R. 1.113 or</li><li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li><li>(3) an action that otherwise closes prosecution in the application.</li></ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li></ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li></ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</li></ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li></ul>

**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.


OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

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Date: \_\_\_\_\_

February 20, 2006

Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

FEB 23 2006

## **Complete if Known**

Application Number	10/806,877
Filing Date	March 22, 2004
First Named Inventor	BECKER et al.
Art Unit	3762
Examiner Name	
Attorney Docket Number	4888-6

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of

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## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-4,253,735	03-03-1981	Dvorkis et al.	
	2	US-4,905,690	03-06-1990	Ohshiro	
	3	US-5,121,188	06-09-1992	Partridge	
	4	US-5,272,716	12-21-1993	Soltz	
	5	US-5,545,886	08-13-1996	Metlitsky et al.	
	6	US-5,988,502	11-23-1999	Krichever et al.	
	7	US-6,000,813	12-14-1999	Krietzman	
	8	US-6,092,728	05-25-2000	Li et al.	
	9	US-6,110,195	08-29-2000	Xie	
	10	US-6,200,309	03-13-2001	Rice et al.	
	11	US-6,267,779	07-31-2001	Gerdes	
	12	US-6,582,454	06-24-2003	Yayama	
	13	US-2002/111610 A1	08-15-2002	Nordquist	

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> ; Number <sup>4</sup> ; Kind Code <sup>5</sup> (if known)					
	14	EP	- 0,320,080 A1	06-14-1989	Diamantopoulos		
	15	EP	- 1,112,758 A2	07-04-2001	Yayama		
	16	DE	- 3,729,288 A1	03-16-1989	Schmidt		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. <sup>1</sup>	
	17	Doric, Sead, "Easily fabricated microlenses correct laser-beam astigmatism," Laser Focus World Magazine, August 1, 1995, Northbrook, IL.
	18	Matthews, Stephen J., "Out of the lab and into the home," Laser Focus World Magazine, May 1, 2000, Northbrook, IL.
	19	Brown, Daniel et al., "Efficient beam shaping adds freedom to laser applications," Laser Focus World Magazine, December 1, 2001, Northbrook, IL.
	20	Wang, Peter Y., "Beam-shaping optics deliver high power beams," Laser Focus World Magazine, December 1, 2001, Northbrook, IL.
	21	Milster, Tom D. et al., "Combination of ray-trace and diffraction modeling to describe coupling laser diodes to fibers and waveguides," SPIE Vol 2610 pp 194-202, 1996, The International Society for Optical Engineering.
	22	Dupuis, Russell D., "The Diode Laser," Optics and Photonics News, pp. 30-35, April 2004, Optical Society of America, Washington DC.
	23	Farmer, Jason, "Addressing Inefficiency in Laser Diodes," Photonics Spectra, pgs.94-98, January 2005, Laurin Publishing.
	24	Newport, "Beam Shaping with Cylindrical Lenses," available at: <a href="http://www.newport.com/file_store/PDFs/tempPDFs/Beam_Shaping_with_e3871.pdf">http://www.newport.com/file_store/PDFs/tempPDFs/Beam_Shaping_with_e3871.pdf</a> , undated.
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	26	Laser Therapeutics, Inc., "Lasotronic Laser Therapy, Pocket Therapy Laser," available at: <a href="http://www.laserhealthsystems.com/lasotronic%20lasers.htm">http://www.laserhealthsystems.com/lasotronic%20lasers.htm</a> , December 27, 2005.
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	29	wordiQ.com, "Definition of lens (optics)," available at: <a href="http://www.wordiq.com/definition/Lens_(optics)">http://www.wordiq.com/definition/Lens_(optics)</a> , January 4, 2005.
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	37	Goldwasser, Samuel M., "Sam's laser FAQ; Diode Lasers," available at: <a href="http://repairfaq.ece.drexel.edu/sam/laserdio.html">http://repairfaq.ece.drexel.edu/sam/laserdio.html</a> , 1995-2005.
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	39	Point-Source, "Laser Theory," available at: <a href="http://www.point-source.com/lasertheory.asp">http://www.point-source.com/lasertheory.asp</a> , undated.
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	55	LaserMate Group, Inc., "Specification of PLG - Laser Diode Modules," available at: <a href="http://www.lasermate.com/plg_spec.html">http://www.lasermate.com/plg_spec.html</a> , September 29, 2005
	56	Photographs of DLC Laser, from expert witness testimony of Barbra Stolz, <u>A Major Difference, Inc. v Erchonia Medical, Inc et al.</u> , Civil Action 1:04-cv-1769-MSK-CBS, July 26, 2005.
	57	Photographs of Quantum System Laser, from expert witness testimony of Barbra Stolz, <u>A Major Difference, Inc. v Erchonia Medical, Inc et al.</u> , Civil Action 1:04-cv-1769-MSK-CBS, July 26, 2005.
	58	Photographs of PLC Laser Diode Module, from expert witness testimony of Barbra Stolz, <u>A Major Difference, Inc. v Erchonia Medical, Inc et al.</u> , Civil Action 1:04-cv-1769-MSK-CBS, July 26, 2005.

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